



A MONTHLY ELECTRONIC NEWSLETTER TO THE 41ST ASSEMBLY DISTRICT
(Including Agoura Hills, Calabasas, Encino, Malibu, Hidden Hills, Lake Sherwood, Oak Park, Pacific Palisades, Port Hueneme, South Oxnard, Santa Monica, Tarzana, Topanga, Westlake Village, and Woodland Hills.)

MARCH 2003 ISSUE

Statute of Limitations Should Not Bar Claims for Childhood Sexual Abuse

One of the worst crimes that can occur in our society is the sexual abuse of a child. Yet we have all been hearing and reading the recent revelations by adults who were victimized during their childhood, and in numbers that had not before been understood.

In general, serious sex crimes are covered by a six-year statute of limitations, but due to the nature of child sex abuse, if the victim was a minor when the abuse occurred, it can be reported at any time within or beyond the general six year limit. However, once a child sex abuse case is reported, authorities only have one more year to assemble relevant evidence and determine if the case should go to trial.

In many of these cases, it is difficult to corroborate the statements of a child victim. Prosecutors must seek independent evidence through grand jury subpoenas of relevant documents and other methods of investigation. Knowing that there is only one year to file charges, the defense can "run out the clock" by using various procedural tactics and time-consuming objections designed to delay access to evidence. Such objections can be made on the grounds of protecting a defendant's privacy or by claims based on the First Amendment or that the evidence is somehow privileged.

The other problem with current law is that it was written in 1994 without explicitly allowing victims who had reported abuse prior to 1994, but whose cases were at the time barred by the six-year statute of limitations, the chance to report again and potentially see their abusers prosecuted. When this situation was brought to my attention by the Los Angeles District Attorney's Office, it was clear that something needed to be done, and fast.

AB 949 (Pavley) Introduced on February 20

I have drafted this bill as an urgency measure, which means that it will take effect immediately upon the Governor's signature instead of on January 1, 2004, as with other bills. Specifically, it makes two changes to California Penal Code Section 803:

- It adds a new Section 803(k), which will stop the clock from running for as long as any action is pending involving grand jury subpoenas or search warrants issued with respect to the allegations of abuse or neglect.
- It adds a new section 803(h), to clarify that all victims who were sexually assaulted when they were minors will have the benefit of the law that permits a prosecution within one year after that abuse is reported to law enforcement.

It is simply intolerable that anyone who suffers childhood sexual abuse would ever find the courthouse door locked to him or her simply because a statute of limitations could be manipulated for the sole purpose of delay. I very much look forward to AB 949 moving smoothly and swiftly through the Legislature and onto the Governor's desk.

Think that “there ought to be a law”?

Like AB 949, many of the bills that I have carried since being elected to the Assembly are ideas that constituents have sent me or brought up at one of my “Mobile District Office” events like Farmers’ Markets and Coffee Breaks. Here are some other bills that I either authored or co-authored in this 2003-04 legislative session, many of which are ideas that came from a person or group in my District.



AB 1212 – Contaminated Beach Sand. Periodically, California’s beaches must be replenished because of sand that is washed away in the normal ebb and flow of the tides. Last fall, construction rubble and debris was mixed in with clean sand by a contractor replenishing Will Rogers State Beach. Similar situations have occurred in San Diego and elsewhere. To insure that this never happens again anywhere along our beautiful California coast, I have introduced AB 1212.

This bill would provide that no coastal development permit for sand replenishment could be issued unless and until the project applicant provides a plan for both onsite monitoring and supervision during the implementation of the permit.

Source: Pacific Palisades Residents Association

AB 1369 – Defibrillators for Elderly Facilities. At least 450,000 cases of unexpected cardiac arrest occur annually in the United States. The majority of these cases occur in places other than hospitals. Statistics show that when defibrillators are used immediately on cardiac arrest victims, the survival rate is almost 100%. However, because traditional emergency medical services can take 8-15 minutes to respond, the overall survival rates for cardiac arrest victims in most U.S. communities are only 5-10%.

This bill would require that all skilled nursing facilities, long-term care facilities, and residential care facilities for the elderly purchase automated external defibrillators (AEDs), and that they train personnel in the use of the devices. Placement of AEDs in facilities where seniors live and gather, as well as the availability of staff trained to use them, would greatly increase the probability that victims of a cardiac arrest will survive.

Source: Woodland Hills Homeowners Association; California Senior Legislature

AB 1286 – Continuity of Health Care. Under current law, health care plans and insurers are required to provide 30-days notice to enrollees prior to cancellation.

This bill would require 60 days notice, and would extend the application of continuity of care requirements to cover additional enrollees and insureds under various health conditions. Willful violation of these requirements would be a crime.

Source: Darrow Milgrim, Agoura Hills resident

AB 907 – Environmental Education. This bill would create environmental education standards for California’s academic and performance curriculum. Though some environmental concepts are taught to children when they learn about earth sciences and other empirical data, children are not specifically taught about how humans impact the environment, or about what they can do to conserve the earth’s resources.

This bill would ensure that children in California’s public school system learn about the interrelationship between themselves and the natural environment.

Source: Mark Gold, Heal The Bay in Santa Monica

AB 28 – Firefighting Hazardous Materials Response Team Equipment Program. Would establish this new program under the Office of Emergency Services for the purchase and deployment of HAZMAT response apparatus and equipment to state and local agencies. It is dependent on receipt of Federal dollars from Homeland Security appropriations. Criteria for deployment of the equipment to an area or region include: potential targets for terrorism; transportation routes and facilities, including bridges

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and airports; the presence of water and wastewater treatment plants and nuclear power plants; and any information acquired from consultation with the FBI or other Federal agencies related to potential terrorist targets or the need for hazardous materials equipment.

This bill is particularly timely in light of the current international situation and possible imminence of war. It is essential that our first responders be equipped to prevent and control the release of hazardous materials.

Source: California Professional Firefighters

AB 1101 – Attorney/client privilege. Would exempt certain threats of death and substantial bodily harm from the attorney/client privilege. Under current law, an attorney who becomes aware that a client has made a serious threat against another person is subject to State Bar discipline for disclosing the threat to law enforcement. This is true even when the attorney has reason to believe that the client intends to carry out the threat. It's just common sense to allow an attorney to disclose a client confidence or secret without risking sanctions if the attorney reasonably believes disclosure is necessary to prevent a death or substantial bodily harm to someone.

Source: Robert Orgel, Santa Monica attorney

AB 1009 – Speeding on PCH in Malibu. Would establish additional speed controls and traffic enforcement incentives along Pacific Coast Highway in the City of Malibu. Last fall, the son-in-law of one of my Malibu constituents was killed on PCH by a speeding car. She chose to use that personal family tragedy as the impetus to try and help slow traffic and increase safety along Pacific Coast Highway for all pedestrians and drivers.

AB 1009 would create a double-fine zone for traffic-related citations along the stretch of PCH between Topanga Canyon Boulevard and Decker Canyon. It also adds additional factors that Cal Trans must consider in connection with any contemplated increase of the speed limit, including pedestrian and bicyclist safety, visual distractions, and the presence and use of public beaches, parking lots, and on-street parking.

Source: Carol Randall, Malibu resident; City of Malibu

AB 1552 – Health Insurance Discretionary Clauses. Would prohibit health insurance policies and health care service plan contracts from containing provisions that purport to reserve to the insurers the discretion to interpret the terms of the contracts. The purpose of this bill is to insure that health care services are contractually guaranteed, and to avoid the conflict of interest that occurs when the insurer has unfettered authority to decide what benefits are due.

Source: Ron Dean, Pacific Palisades resident

AB 1683 – Day Care Facility Violations. Would provide notice to parents of any violations that have occurred at their child's day care facility. At present, parents are not directly informed of Community Care Licensing Department inspections of a facility nor of any findings of violations.

This bill will require inspectors to post in a visible place a notice that the child care facility has been inspected, and require that the facility post the inspector's report which describes any violations, and sets out a timeline for corrective action. Adult long-term care providers already have to do this. It's time to provide this same protection for children. Parents have a right to know.

AB 878 – Harbor Districts. Would increase the maximum amount that the board of the Port of Hueneme harbor district could borrow to acquire land and/or to construct or operate a project from the current limit of \$1 million and a term of five years to \$5 million and a term of seven years. California's ports and harbors are major economic engines that connect our state to the world.

This bill would give them an important tool to insure that they can expand and grow when needed in order to meet the demands of businesses and the overall economy.

Source: Board of Directors, Port of Hueneme

My thanks to these people and to the many other constituents who have taken the time to bring constructive suggestions to my attention. Their ideas are either now bills, now law, or may yet become a bill in the future since I am limited in the number of bills that I can carry in a single session. They are truly making a difference.

Work on State Budget Continues

Just to get a sense of the magnitude of the state budget shortfall – roughly \$8 billion from fiscal year 2002-03 and \$26 billion for fiscal year 2003-04 – consider the following:

If we got rid of every state employee; cancelled every state contract; emptied every state prison; closed every youth authority, UC campus, CSU campus, and state facility for the mentally ill and developmentally disabled, we would save only about \$15 billion of the total \$34 billion deficit.

Until about two weeks ago, only the Governor's January proposal and the Democrat's changes to that proposal were on the table. At the end of February, Senate Republican Leader Jim Brulte released an alternative budget plan. The Brulte plan takes all \$20 billion in cuts/reductions/deferrals proposed by the Governor, and adds cuts of an additional 7% across-the-board rather than to include any new revenues.

Although there are great divisions between the two plans, they also represent at least the beginning of a dialogue to try and find areas of agreement that could lead to a final budget. Bear in mind that California is one of only three states requiring a 2/3 vote to pass the budget, and, unlike the Federal government, we cannot rely on deficit spending.

Although it is useful to have plans from both parties now on the table, I believe that the Republican plan of refusing to consider any new revenues, and doing it instead with 100% cuts, would be disastrous. "Across the board" is assumed to mean deep cuts to both K-12 and higher education, to law enforcement/prisons, and to health care and human services programs.

Both the state Department of Finance and the Controller's Office have recently made a determination that the restoration of vehicle license fees to 1998 levels may happen automatically. This is based on the language of the 1998 legislation that lowered it only for so long as sufficient money was available for the state to continue to backfill local government for the \$4 billion annual loss that resulted. The statutory "trigger" may be pulled in order to protect cities and counties since the state can no longer afford to subsidize and make them whole for their loss. If "pulled," the additional \$4 billion that would not have to continue to be paid out of the General Fund, plus the \$8.4 billion in reductions that the Assembly and the Senate passed on March 10, will close over \$12 billion of the budget gap. This would move California nearly 40% of the way toward a balanced budget for 2002-03 and 2003-04.

The only way to protect vital services from cuts that would do permanent damage to this state, especially to our schools, health care system, and services to the blind, elderly, and disabled, is to strike a balance between savings and new revenues. This budget problem cannot be solved with cuts alone. Serious negotiations and hearings will also be taking place, looking for efficiencies, eliminating duplications of responsibilities, etc. In fact, the Assembly Speaker has suspended policy committee meetings for the week of March 24 so that every Assemblymember can give 100% of his or her attention to the budget.

Perchlorate Contamination in Water Supplies

As reported in my February newsletter, the toxic substance perchlorate has been found in the water of at least 20 counties in California, including Los Angeles. It has also been found in well #1 on Ahmanson Ranch.

At the informational Assembly Committee hearing on this issue on February 10, the Regional Water Quality Control Board reported that it is aggressively following up on perchlorate-related investigations and cleanup. A Perchlorate Public Advisory Group has been now formed to insure that the Regional Board receives public input and benefits from the perspectives of members of affected communities.

An organizational meeting is scheduled for mid-month, and at least two evening public meetings will be scheduled over the course of the year. I will provide those dates as soon as I receive notice of them. In addition, information regarding this Advisory Group will also be posted on the Regional Board's website, which is www.swrcb.ca.gov/~rwqcb4/html/perchlorate.html.

Assembly Select Committee Holds Hearing And Takes Tour of Fuel Cell Facility

California has long been a leader in pushing automotive technology to improve air quality. One such initiative is the California Fuel Cell Partnership (CaFCP). This is a unique collaboration of auto companies, fuel providers, fuel cell technology companies, and government agencies that have joined together to demonstrate how clean-air fuel cell vehicles work under real life day-to-day driving conditions.

On March 4, as Chair of the Select Committee on Air and Water Quality, I held a hearing in the State Capitol that started with a presentation by the CaFCP, and was followed by a very interesting tour of the CaFCP facilities.



The U.S. Department of Energy describes fuel cells as “an efficient, combustion-less, virtually pollution-free power source ... that runs almost silently and has few moving parts.” Fuel cells operate much like a battery by turning hydrogen and oxygen into electricity in the presence of an electrically conductive material

Clearly this is a technology that holds enormous promise for helping to clean up the air and reduce vehicle emissions. The City of Los Angeles already has a fleet of cars powered by fuel cells. The New York City Transit Authority is retrofitting a 50-ton diesel locomotive with a fuel cell engine. Canada is doing a demonstration project on a fuel cell hybrid transit bus.

Fuel cells are being used right now to provide on-site power for businesses and public buildings. Fuel cell automobiles are already on the road in limited numbers, and existing alternatives such as hybrid/hydrogen fuel in an internal combustion engine are also being tested. Fuel cells are poised to be a revolutionary new option for generating clean and efficient energy to meet the power needs of California and of the world for the long term.

The CaFCP is exploring the path to commercializing fuel cell electric vehicles by examining such issues as fuel infrastructure requirements, vehicle and fuel safety, market incentives, and consumer acceptance. The tour of CaFCP headquarters included maintenance bays, a hydrogen fueling station, and, soon, a methanol station.

CaFCP includes companies and organizations from around the world: DaimlerChrysler, Ford, General Motors, Honda, Hyundai, Nissan, Toyota, Volkswagen, Ballard Power Systems, UTC Fuel Cells, BP, ExxonMobil, Shell Hydrogen, ChevronTexaco, the California Air Resources Board, the California Energy Commission, the South Coast Air Quality Management District, the U.S. Department of Energy, the U.S. Department of Transportation, and the U.S. Environmental Protection Agency.

CSUN Receives Wells Fargo Endowment

Congratulations to CSUN on its receipt of a very generous \$1 million endowment from Wells Fargo Bank. This wonderful gift will permanently support special Wells Fargo scholarships for CSUN students who are studying to be teachers. California needs an estimated 300,000 new teachers over the next 20 years, so these scholarships are particularly important. Funds will also help expand the university's small business center. Both of these are critical components of California's long-term economic recovery, and I want to express my personal appreciation to Wells Fargo for their very substantial investment in higher education.

Santa Monica Health Festival

On **Saturday, April 5th, 10 a.m. to 2 p.m.**, the Santa Monica Chamber of Commerce will be hosting its 21st Spring Health Festival in the Third Street Promenade. 50 exhibitors will offer educational information, free screenings, and services including blood pressure testing, body fat analysis, diabetes screening, spinal alignment, chair massage, traditional Chinese medicine and herbs, acupuncture, pain management, skincare analysis, CPR and first aid, stroke screening, allergy testing, healthy eating, and much more.

I have arranged to have a representative from the State Department of Managed Health Care also to be present at the Festival to answer any specific questions on HMOs or other state-related concerns. Educational health brochures will be available on a variety of health issues such as diabetes, osteoporosis, cancer, and nutrition. I plan to be present during at least part of the event, and hope that I might have the chance to visit with some of you at that time.



Free Trees for Community Projects

There's still time for small communities and nonprofits to apply for tree-planting grants of up to \$25,000 from the California Department of Forestry and Fire Protection. These grant funds come from the voter-passed Proposition 12. To find out if you qualify for any of these grants, check their website at www.ufe.calpoly.edu, followed by the selection "news" and then "announcements." **Application deadline is March 31.**

Assemblymember Pavley's Committee Assignments

Appropriations Committee
Arts, Entertainment, Sports, Tourism, and Internet Media Committee
Budget Committee
Education Committee
Transportation Committee
Water, Parks and Wildlife Committee
Chair, Select Committee on Air and Water Quality
Chair, Budget Subcommittee #3 on Resources
Legislative Advisory Committee – Wildlife Conservation Board
Legislative Advisory Committee – California Coastal Conservancy
Santa Monica Mountains Conservancy Advisory Board

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